

1 BARRY J. PORTMAN  
2 Federal Public Defender  
3 JOHN PAUL REICHMUTH  
4 Assistant Federal Public Defender  
5 555 - 12th Street  
6 Suite 650  
7 Oakland, CA 94607-3627  
8 Telephone: (510) 637-3500

9  
10 Counsel for Defendant CULLUM

11

12 IN THE UNITED STATES DISTRICT COURT  
13  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15

16  
17 UNITED STATES OF AMERICA, ) No. CR 02-40190-CW  
18 Plaintiff, ) CR 02-40176-CW  
19 vs. ) CR 09-0835-CW  
20 JOHN BENNETT CULLUM, )  
21 Defendant. )  
22  
23 STIPULATION TO CONTINUE;  
24 PROPOSED ORDERING CONTINUING  
25 CASE AND EXCLUDING TIME UNDER  
26 THE SPEEDY TRIAL ACT

27

28 IT IS HEREBY STIPULATED, by and between the parties to this action, that the  
29 STATUS HEARING date of January 15, 2010 presently scheduled at 10:00 a.m., before the  
30 Honorable Laurel Beeler, be vacated and re-set for February 1, 2010 at 10:00 a.m. for  
31 TRIAL OR MOTIONS SETTING OR DISPOSITION HEARING.

32

33 The reason for this request is that defense counsel needs additional time to review  
34 discovery, investigate, and discuss this case with Mr. Cullum. Additionally, new government  
35 counsel is taking over the case. The Probation Office has been contacted. The assigned  
36 Officer Jennifer James, will be out of the office until January 12, 2010, so her position cannot  
37 be stated. However, if the new date presents a conflict for her, the parties will request a new  
38 date.

1 The parties agree and stipulate that the time until February 1, 2010 should be excluded,  
2 under 18 U.S.C. §3161(H)(7)(A) because the ends of justice served by the granting of the  
3 continuance outweigh the bests interests of the public and the defendant in a speedy and public  
4 trial. The continuance is necessary to accommodate counsel's preparation efforts.

5 || Date 1/8/09

/s/  
John Paul Reichmuth  
Assistant Federal Public Defender  
Counsel for defendant CULLUM

Date 1/8/09

Katherine Dowling  
Assistant United States Attorney

12 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (S/S) within this efiled document. /S/ John Paul Reichmuth

/S/ John Paul Reichmuth  
Counsel for Defendant Cullum

1  
2  
3 ORDER

4 The court finds that the ends of justice served by the granting of the continuance  
5 outweigh the bests interests of the public and the defendant in a speedy and public trial. The  
6 continuance is necessary to accommodate counsel's preparation efforts. Based on these  
7 findings, IT IS HEREBY ORDERED THAT the above-captioned mattersare continued to  
8 February 1, 2010 at 10:00 a.m. before Hon. Laurel Beeler, United States Magistrate Judge,  
9 and that time is excluded from January 15, 2010 to February 1, 2010 pursuant to 18 U.S.C.  
10 §§3161(h)(7)(A).

11 It is further ORDERED, based on exceptional circumstances, that the parties may enter  
12 a change of plea before the United States Magistrate Judge.

13 IT IS SO ORDERED.

14  
15  
16 January 12, 2010

17 Date

/s/ Laurel Beeler  
HON. CLAUDIA WILKEN LAUREL BEELER  
UNITED STATES ~~DISTRICT JUDGE~~  
MAGISTRATE JUDGE

18  
19  
20  
21  
22  
23  
24  
25  
26